

### REMARKS

This is responsive to an Office Action mailed on March 17, 2008. The Office Action Rejected claims 36-53. Applicant has amended claims 36 and 49 and has added new claims 54-57. The application currently includes claims 36-57.

In amended claims 36 and 49, support for the amended wording "the pile providing a low friction surface simulating a snow surface" can be found at least on page 2, line 31 to page 3, line 2 of the published PCT application WO 2004/042150. Support for the new wording "and being configured to allow excess fluid to be drained away from the carpet" can be found on at least on page 3 lines 21 to 22 of the published PCT application.

Support for new claim 54 and new claim 57 can be found at least in figures 4, 5 and 9 and the accompanying description, page 12, lines 13 to 21 and page 6, lines 25 to 27 of the published PCT application. Support for new claim 55 can be found at least on page 5, lines 26 to 29 and page 9, lines 7 to 8 of the published PCT application. Support for new claim 56 can be found at least on page 10, lines 6 to 11 of the published PCT application.

In paragraph 4 of the Office Action, the Examiner objects to claim 38 under 37 CFR 1.75 (C) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Applicant disagrees with the Examiner's conclusion. Claim 36 recites "filaments woven through said backing sheet to provide a pile" whereas dependent claim 38 recites "said filaments are woven through said backing sheet to provide loops".

Applicant respectfully submits that a filament can be woven through the backing sheet to provide a pile without providing loops by securing the filament tightly against the back side of the top layer of the backing sheet which will not form loops in the backing sheet. Alternatively, the filaments can be woven into the backing sheet to form loops as shown at least at Figure 1 of present application. Thus, claim 38 further limits claim 36 by reciting that the pile includes loops.

In paragraph 6 of the Office Action, the Examiner rejected previous claims 36, 38 to 43, 47, 49 and 50 as being anticipated by US patent number 4,822,658 issued to Pacione (hereinafter '658). Patent '658 discloses a carpet construction having a loop pile and downwardly

projection loops which cooperate with hooks of an anchor strip which anchor strip is used to stabilize the carpet in certain areas additional to carpet borders. The carpet disclosed in this '658 patent is not an artificial ski slope and thus the carpet disclosed in this patent does not have a pile that provides a low friction surface simulating a snow surface as recited in amended claim 36. Furthermore, there is no disclosure or teaching in the '658 patent that the tape 22 is configured to allow excess fluid to be drained away from the carpet as now recited in amended claim 36.

Thus it is believed that the subject matter of amended claim 36 is novel over Pacione '658. Similarly, it is believed that the subject matter of amended independent claim 49 is also novel over Pacione '658 for at least the reasons given above with respect to amended claim 36.

New claim 54 recites that the base layer extends across substantially all of the carpet. Pacione only discloses the anchor strip is used in carpet stabilizing areas and at the borders (see col. 4 lines 38 to 41) and the anchor strip is of a limited width (see col. 5, lines 20 to 24 and lines 46 to 47). Thus it is believed that the additional feature of new claim 54 (and similarly new claim 57) is not disclosed in Pacione '658.

Furthermore, Pacione '658 does not provide any teaching or disclosure to the additional features cited in new claims 55 and 56.

In paragraph 9, the Examiner objects to previous claims, 54, 55 and 51 to 53 as being unpatentable for lack of inventive step over Pacione '658 in view of the teaching of US patent number 6,298,624 issued to Pacione (hereinafter referred to as '624). This '624 patent also discloses a similar carpet arrangement to that of the '658 Pacione patent having a carpet with downwardly extending loops to attach to a hook on an anchor sheet to create a complete floor covering of carpet. However, this '624 patent also does not disclose an artificial ski slope surface having a pile which provides a low friction surface simulating a snow surface as claimed in amended claim 36. Furthermore, nor does this '624 patent describe a base layer configured to allow excess fluids to be drained away from the carpet as claimed in amended claim 36. Thus, even if a person skilled in the art would combine the teachings of the two Pacione patents, the combination would not arrive at the claimed invention.

Thus it is believed that the subject matter of amended claims 36 and similarly claim 49 is new and inventive over the combination of Pacione '658 and Pacione '624.

With respect to new claims 55 and 56, Pacione '624 does not provide any teaching or disclosure to a carpet whose woven filaments have a height which is selected to provide an optimum speed of travel over the surface for a particular use or ski level as claimed in new claim 55 nor a base layer comprising fibers contained between an upper sheet and a lower sheet of material as claimed in new claim 56.

In paragraph 10, the Examiner objects to claims 36 to 46 and 49 to 53 as being unpatentable for lacking inventive step over Japanese patent application JP10-046516 issued to Kuriyama (hereinafter referred to as Kuriyama) in view of US 4,148,477 issued to Larson (hereinafter referred to as Larson). Kuriyama discloses an artificial lawn having a lawn sheet with a surface fastener 3b on the rear of the lawn sheet and another surface fastener 3a having hook surfaces being stuck to the ground. The surface fastener 3b on the lawn sheet attaches to the surface fastener 3a stuck to the ground in order to facilitate maintenance of the lawn surface. Kuriyama however does not disclose an artificial ski slope surface having a looped filament carpet having a pile which provides a low friction surface simulating a snow surface as claimed in amended claim 36. Furthermore, Kuriyama, provides no disclosure or teaching to the surface fastener 3a stuck to the ground being configured to allow excess fluid to be drained away from the carpet as claimed in amended claim 36.

Larson discloses a artificial ski slope arrangement having a carrier belt c which has a fabric base 20 and pile 21 configured to carry flaked ice. The flaked ice provides the simulated ski slope surface and the belt is caused to rotate. Thus, Larson also does not disclose a loop filament carpet comprising a backing sheet with filaments woven through to provide a pile which provides a low friction surface simulating a snow surface as claimed in amended claim 36. Nor does Larson disclose a base layer configured to allow excess fluid to be drained away from the carpet as claimed in amended claim 36. Larson is directed to a completely different configuration compared to the claimed invention.

With respect to new claims 54 to 57, neither Kuriyama nor Larson disclose the features recited in these new claims.

Furthermore it is believed that the dependent claims 37 to 48, claims 50 to 53 and new claims 54 to 57 are allowable for at least the reasons given above with respect to amended claim 36 and 49. Reconsideration and allowance of claim 37-48 and 50-53 and consideration and allowance of new claims 54-57 are respectfully requested.

Respectfully submitted,

By:         /Peter J. Ims/          
Peter J. Ims, Reg. No. 48,774  
900 Second Avenue South, Suite 1400  
Minneapolis, Minnesota 55402-3244  
Phone: (612) 334-3222 Fax: (612) 334-3312